

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cr-00038

United States of America

v.

Chris Alan Irby, Jr.

ORDER

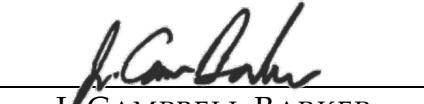
Defendant's unopposed motion to continue the trial (Doc. 26) is **granted**. The new deadlines and court settings are as follows:

- Deadline for pretrial motions (except April 5, 2021 motions for continuance):
- Deadline to file motion for continuance or notify the court of a plea agreement: April 12, 2021 at 12:00 p.m.
- Pretrial conference: May 3, 2021 at 1:30 p.m.
- Jury selection and trial: May 10, 2021 at 9:30 a.m.

A speedy trial is desirable, but "a myopic insistence upon expeditiousness in the face of a justifiable request for delay can render the right to defend with counsel an empty formality." *Ungar v. Sarafite*, 376 U.S. 575, 589 (1964). Considering the factors listed in 18 U.S.C. § 3161(h)(7), the ends of justice served by this continuance outweigh the interest of the public and the defendant in a speedy trial. In this case, defendant's counsel reports that a continuance is needed because "Additional meetings are required between the Defendant and counsel in order to further develop the sort of Attorney-Client relationship sufficient for the undersigned to effectively advise the Defendant. . ." Doc. 26 at 3. Counsel further reports that "this

sort of Attorney-client relationship has not been established on account of both the time frame involved, as well as the time lost on account of Counsel's COVID-19 infection previously noted." *Id.* In addition, counsel states that "the sheer complexity of the underlying data upon which Counsel bases his advice as to the best path forward for the Defendant to have his substantial rights protected, requires additional time and co-ordinated visitation sessions with the Defendant." *Id.* Failure to grant a continuance would create an appreciable likelihood of a miscarriage of justice by failing to give Irby and his appointed attorney enough time to prepare Irby's case. This continuance will ensure counsel the reasonable time necessary for effective preparation, considering due diligence. Therefore, the period of delay that will result from this continuance is excludable under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(7).

So ordered by the court on February 8, 2021.



J. CAMPBELL BARKER
United States District Judge